



W.A.No.691 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM

The Hon'ble Mr. Justice PARESH UPADHYAY  
and  
The Hon'ble Mr. Justice D.BHARATHA CHAKRAVARTHY

W.A.No.691 of 2013

Dr.R.Muthukumarasamy

.. Appellant

vs

1.The Commissioner of Sugar  
690, Anna Salai,  
Nandanam, Chennai – 600 035.

2.The Special Officer,  
Tamil Nadu Co Operative Sugar Federation,  
690, Anna Salai,  
Nandanam, Chennai – 600 035.

3.Dr.R.Kandasamy

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order  
dated 28.09.2011 made in W.P.No.21681 of 2009.

For Appellant : Mr.C.Vediappan  
for M/s.C.S.Associates

For Respondents : Mr.M.Rajendran  
Additional Government Pleader  
for R1  
No appearance for R2, R3



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**JUDGMENT**

(Delivered by PARESH UPADHYAY.,J)

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1. Challenge in this appeal is made to the order dated 28.09.2011 recorded on W.P.No.21681 of 2009. This appeal is by the writ petitioner.

2. The petitioner had approached this Court with the following prayer:-

"Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 1st respondent in his proceedings Rc. No. 9373/C3/99 dated 2.7.1999 insofar as it downgrades the post of Principal Scientist as Entomologist after the retirement of the incumbent and the consequential order passed by the 1st respondent in his proceedings Rc. No. 16755/A&I/2006 dated 5.6.2009 and quash the same and direct the respondents to promote the petitioner as Principal Scientist and confer all the consequential



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benefits."

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3. Learned Single Judge in paragraphs : 3 and 4 found as under:-

"3.It is seen that the 2nd respondent is a registered Cooperative Society governed by its own certified bye-laws and the bye-laws were framed by the Board relating to the service conditions of the employees. Under the said bye-laws, the post of Entomologist is a direct recruitment post and it should be filled up through open competition

4. Since the 2nd respondent has informed that subsequent to the retirement of A.R.Solaippan, the post of Principal Scientist has been downgraded, in the absence of the post being available under the bye-laws of the society, the Writ Petition challenging the order of the 1st respondent Commissioner of Sugars setting forth the present status of the post,



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cannot be found fault with. Hence, the Writ Petition stands dismissed. No costs. The connected Miscellaneous Petition is closed."

4. We find that, the order as it stands also can not be said to be erroneous and now there is an additional factor that the writ petitioner has already retired in the year 2018. No useful purpose would be served in keeping this appeal pending.

5. This appeal is dismissed. No costs.

(P.U., J) (D.B.C., J)  
14.10.2022

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To

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PARESH UPADHYAY, J.  
and  
D.BHARATHA CHAKRAVARTHY, J.

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